

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHANDY KITTIVANTHONG,

Defendant.

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8:09CR114

ORDER

This matter is before the court on the defendant's motion to continue trial (Doc. 13) due to counsel's scheduling conflicts. For good cause shown,

IT IS ORDERED that the motion is granted, as follows:

1. The jury trial now set for July 28, 2009 is continued to **September 15, 2009**.

2. In accordance with [18 U.S.C. § 3161\(h\)\(8\)\(A\)](#), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **July 28, 2009 and September 15, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

DATED July 15, 2009.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge